



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

UNITED STATES OF AMERICA §

VS. § CRIM. ACTION NO. _____

JOSEPH JAMES FALCETTA JR. § 6:96 CR-59(1)

PETITION FOR SUMMARY JUDGEMENT

COMES NOW, Joseph James Falcetta Jr., Who respectfully files this Petition for Summary Judgment, and would show unto the Court the following in support thereof:

1

Defendant Falcetta filed a Motion for Contempt of Court on September 30, 2013 before this Honorable Court. As of February 20, 2014 there have been no objections filed against this Motion.

111.

As of February 20, 2014 there has been no answers filed by either the U. S. Attorney's Office, nor the Texas Department of Criminal Justice, it can therefore be assumed under court procedures that there is no opposition to this motion. In fact, both the U. S. Attorney, and the Texas Department of Criminal Justice have forfeited their right to oppose this motion by not responding in an appropriate time or manner.

III.

The Court issued an order to withdraw 10% of funds deposited in the Inmate Trust Fund Account, yet the Texas Department of Criminal Justice has consistently, continuously removed 20% of deposited funds, even after this error was addressed to

them. This points to a willful disregard for the court's order and authority. As of February 20, 2014 there has been at least \$ 377.61 removed form the Inmate Trust Fund Account, whereas only half of this amount should have been removed.

IV.

The Court has a vested interest in seeing that its authority is respected and that its orders are followed. The U. S. Attorney, and the Texas Department of Criminal Justice cannot be allowed to willfully and intentionally disregard the courts authority and trample justice in this manner. If the roles were reversed, the government would be up in arms over this and have Falcetta sanctioned. The same should rules apply to the Government and the State.

V.

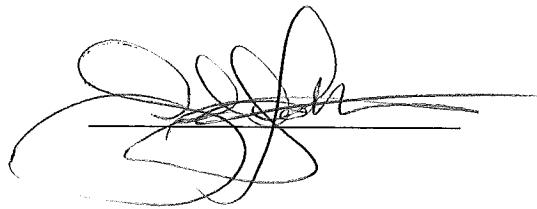
The Court is requested to issue forth an order for Contempt against the U. S. Attorney and the Texas Department of Criminal Justice for the disregard of the Court's order, and order that \$ 188.81 be returned to the Inmate Trust Fund Account of Defendant Falcetta, plus any and all sanctions and penalties allowed under law to include the possibility of rescinding the withdrawal order.

VI.

Falcetta also requests that should a hearing be deemed necessary by the court that this, and any hearings, be held by teleconference instead of in-person. This will not hamper the judicial process, and enhance security and the rehabilitative process of the Justice System.

WHEREFORE, PREMISIS, CONSIDERED the Defendant prays this court will **GRANT** this motion and order all relief requested, and allowed under the law.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joseph J. Falcetta Jr.", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

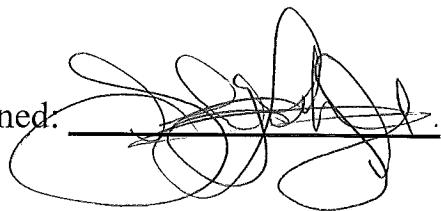
Joseph J. Falcetta Jr.

Certificate of Service

This is to certify that the preceding instrument was mailed to the following individuals by United States Mail on this the 20th day of February, 2014.

Robert Wells
Assistant U.S. Attorney
110 N. College
Tyler, Tx. 75702

General Counsel
Texas Department of Criminal Justice
2 Financial Plaza
Huntsville, Tx. 77342

Signed: 

Joseph J. Falcetta Jr.

Joseph J. Falcetta Jr.
#822447-Hughes Unit
Rt. 2, Box 4400
Gatesville, Tx. 76597

David J. Maland, Clerk
U.S. District Court
E.D. Texas
211 W. Ferguson
Tyler, Tx. 75702

February 20, 2014

RE: USA v. Falcetta
USDC No. 6:96-CR-59(1)

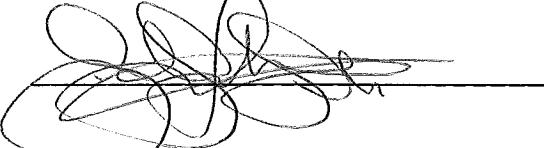


Dear Mr. Maland,

Enclosed please find the original and one copy of the Defendant's Motion for Summary Judgment. Please return a file marked copy to me at your earliest convenience.

Your assistance is appreciated

Sincerely,



Joseph J. Falcetta Jr.

John F. Loeffler
#822447-Highsmith
OT 2 Box 400
Gradesville TX 76547



District Clerk
U.S. District Court

E. D. Texas
211 W. Ferguson
Tyler TX 75702

Legal
Mail

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